

MINUTES OF THE MEETING OF

STATE BOARD OF REGISTRATION FOR PROFESSIONAL SURVEYORS

Friday, October 14, 2016 at 8:30 a.m.

Indiana Government Center South, Room W064

402 West Washington Street,

Indianapolis, Indiana

I. APPLICATION COMMITTEE MEETING **8:30 a.m.**

II. CALL TO ORDER & ESTABLISHMENT OF QUORUM **9:00 a.m.**

Board Members Present:

Christine Arnold (CA)
Ross Hollowell (RH)
Gary Kent (GK)
Richard Hudson (RHudson)
Mike DeBoy (MD)
Jason Henderson (JH)
Doug Lechner (DL)

Staff Members Present:

Amy Hall, Board Director
Rebecca Parker, Assistant Board Director
Gordon White- Advisory Council

III. ADOPTION OF AGENDA

Motion was made to **APPROVE** the agenda- RH/DL

Motion passed: 7/0/0

IV. ADOPTION OF THE MINUTES FROM JULY 29, 2016 MEETING

Motion made to **APPROVE** (with corrections) - RH/DL

Motion passed: 7/0/0

V. REPORT FROM THE ATTORNEY GENERAL

- Michael Nossett gave the report. The year started off with 15 Consumer Complaints. Nine have been added throughout the year. 12 Have been closed which leaves 12 still currently being worked in the office. There are 2 open Litigation cases at this time. The average age of the cases is just over 4 months.
- Introduction to Greg Getsinger –new analyst replacing Matt Ramon.

VI. REPORT FROM THE BOARD LIAISON

- Gary Kent met with the Attorney General’s Office yesterday (10/13) to do some training on reviewing surveys.

VII. REVIEW OF PROBATIONARY REPORTS

1. **J. Bernard Feeney** (Holloway) – No report. He is expired. Legal-council states that he cannot be removed from probation without a hearing
Motion made to have a hearing to remove him from probation (even though expired).RH/RH
Motion passed 7/0/0

2. **Michael Sadlon** (Holloway)-report
He has turned in his SLR’s. Discussed taking him off probation. Send Hearing Notice.

3. Ronald Morrison (Kent)

We have heard nothing. He is active. Minutes said we needed to hear from him by the next meeting (he was, pursuant to his final order, supposed to report in for each meeting. Motion to issue Show Cause- RH/GK
Motion passed: 7/0/0

4. Stephen Williams (Kent)

He renewed inactive so cannot be practicing. Show him as “inactive; no report”.

5. Robert Haworth (Kent)-report

He has been submitting surveys (maybe about 12 over 2-3 submittals).

6. John Stuart Allen (Henderson)-

He has been sending surveys to PLA who forwards them to Jason. He has been doing well; Jason is satisfied with his work. Kris Kline program does not meet the requirements according to Kris. The requirement (not on probation, but there was an agreed order) was to take a 6 hour in-person course before the end of 2016 on publication of surveys, but he cannot take a course that has not been offered. Motion to write a letter to him that the Kris Kline course offered in November will not meet the requirement (per Kris Kline). RH/DL. Discussion.
Motion passed: 7/0/0

7. Jeffrey J. Kondy (Kent)

Nothing received and he is supposed to appear and provide all surveys. Motion for a show cause hearing on Kondy who did not appear as required by his probationary agreement.
RHudson/DL
Motion passed: 7/0/0Passed.

John Stuart Allen- Approval Of CE courses and letter submitted by Patrick McEuen

VIII. ADMINISTRATIVE HEARINGS

9:33 a.m.

1. Dick Hayden d/b/a Tri-Pod Surveying - Cause No. SBRPS 16-03

Represented by counsel. Michael’s opening statement is that he will be presenting an agreement on a cease and desist order. \$1,000 restitution and cease practice of surveying until or unless licensed.

Mr. Hayden’s counsel made a statement that they have worked with the AG to resolve the problem. Said Hayden does not do surveys and denies allegations, but is willing to accept the terms of the agreement.

Doug asked about him advertising as a surveyor. He said he worked for Tri-Pod in the 80’s.

Michael said to keep questions pertinent to the agreement. Hayden has agreed to the terms of the agreement without agreeing to the allegations, but presumably - thinking that the state could prove them – agreed.

Gordon – the board needs to ask questions to be satisfied to agree to the agreement.

Ross – no evidence today showing that Tri-Pod surveying is in existence? Hayden – no. The complainants (Monks) are aware of the proposed agreement and are satisfied with it.

Motion to **APPROVE** the proposed agreement. GK/RH

Motion passed. 7/0/0

IX. PERMIT/LICENSURE APPLICATIONS

1. Thomas M Green, Jr. – LS/comity - DENIED, missing 1 hour physics
2. William Davidson- LS/Comity - DENIED
3. Anthony Hiatt – LS/Comity - APPROVED
4. Don Mason- Request for CE waiver - He renewed and said he did not get his hours, but it appears that his letter is requesting waiver of the CE requirements for 2014-2016.
The board needs to act due to time constraints of statute.
Ross read the statute. Gary and Ross suggest we should have more than his letter like a letter from his physician.
Gordon suggests if we send a letter asking for more info, the 120 day period does not start until we get that documentation.
Amy to send Mr. Mason notice that his renewal app is still incomplete and that we need a written statement from his oncologist indicating that he could not achieve his a continuing education and to bring that with him to the next board meeting. RH/GJ
Motion passed: 7/0/0

X. DISCUSSION

A. Distance-learning requirements of 865 IAC 1-15-Modification by G.Kent

Lengthy discussion on the purpose of continuing education.

1. Doug: Agrees with continuing ed. But does not like its application. Suggested allowing what would essentially be “testing out.”
2. Ross: Originally the purpose was to get surveyors to know about rule 12; now it is more about staying current.
3. Jason: Consider we have also required more education to come in as licensure in the first place.
4. Gary: Would support allowing attendance at a Board meeting as credit.
5. Doug: Bevington’s Joshua Bell course and his jeopardy course were excellent.
6. Ross: The issue is: can someone test out rather than sit through the entire program?
7. Doug: Is there a way to make it end-result based, not specific (like measurement standards)
8. Ross and Christine: We need to reach out to the professions and providers and public; then have a working session.
9. Doug: Suggested going through a curriculum like a Purdue program over 6 year (or whatever) period, then start over.
10. Doug: Have a theme for a year.
11. Doug: Have an open meeting at convention or at Board meeting to discuss. If at the convention, only 3 members could attend because being in the same place at the same time receiving information is a meeting.
12. It would have to be on the 20th due if staff is to be there. Gordon says we can have a meeting without them.
13. **Motion to have an additional board meeting on 1/20 at the convention time to be determined for the singular purpose of receiving info on continuing ed. Mike/Ross.**

B. NCEES Annual Meeting-Report –everything went well.

XIII BOARD ELECTIONS

- Motion to re-elect Christine as Chair. Rich/Mike. Passed.
- Motion for Ross to be Vice Chair. Rich/Mike. Passed.
- Motion to re-elect Gary as Ross/Rich. Passed.

XIV ADJOURNMENT at 10:56 a.m.

Motion to adjourn- RHudson/GK

Motion passed 7/0/0